

Introduced by Senator Alarcon

February 24, 2006

An act to amend Section 60010 of, and to add Chapter 3.75 (commencing with Section 60475) to Part 33 of, the Education Code, relating to supplemental instructional materials, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1653, as introduced, Alarcon. K-12 Supplemental Instructional Materials.

Existing law establishes the processes involved in and the requirements for the selection of instructional materials. Existing law also establishes the State Instructional Materials Fund and provides the process by which the purchase of instructional materials is funded.

This bill would establish the K-12 Supplemental Instructional Materials Account within the State Treasury and would authorize the State Board of Education to administer it. This bill would require that each fiscal year, commencing with the 2006-07 fiscal year, an amount of moneys be transferred from the Proposition 98 Reversion Account to the K-12 Supplemental Instructional Materials Account in the annual Budget Act the bill would require the amount to equal 10% of the unappropriated balance in the Proposition 98 Reversion Account as of the end of the immediately preceding fiscal year or \$10 per pupil enrolled in kindergarten and grades 1 to 12, inclusive, adjusted annually for inflation, whichever is higher, to the extent funds are available. This bill would require that the funds in the K-12 Supplemental Instructional Materials Account be used for the necessary supplemental instructional materials. This bill would permit the Legislature to transfer other funds appropriated in compliance with

Proposition 98 into the K-12 Supplemental Instructional Materials Account and would also permit the receipt of private donations.

This bill would provide that all moneys in the K-12 Supplemental Instructional Materials Account be available for reimbursement to school districts on a per pupil basis as approved by the State Board of Education. This bill would require that the funds in the K-12 Supplemental Instructional Materials Account be used to supplement, rather than to supplant, existing funds available for instructional materials. This bill would authorize the State Board of Education to deny future funding if it determines that a school district has exhibited a pattern of a failure to exercise due diligence or of using the funding to supplant other funding sources.

This bill also would make a technical, nonsubstantive change.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 60010 of the Education Code is
- 2 amended to read:
- 3 60010. For the purpose of this part, the following terms have
- 4 the following meanings unless the context in which they appear
- 5 clearly requires otherwise:
- 6 (a) “Basic instructional materials” means instructional
- 7 materials that are designed for use by pupils as a principal
- 8 learning resource and that meet in organization and content the
- 9 basic requirements of the intended course.
- 10 (b) “Commission” means the Curriculum Development and
- 11 Supplemental Materials Commission.
- 12 (c) “Curriculum framework” means an outline of the
- 13 components of a given course of study designed to provide state
- 14 direction to school districts in the provision of instructional
- 15 programs.
- 16 (d) “District board” means the board of education or
- 17 governing board of any county, city and county, city, or other
- 18 district that has the duty to provide for the education of the
- 19 children in its county, city and county, city, or district.

1 (e) “Elementary school” means all public schools in which
2 instruction is given through grade 8 or in any one or more of
3 those grades.

4 (f) “Governing boards” means the state board and any one or
5 more district boards.

6 (g) “High school” means all public schools other than
7 elementary schools in which instruction is given through grade
8 12, or in any one or more of those grades.

9 (h) “Instructional materials” means all materials that are
10 designed for use by pupils and their teachers as a learning
11 resource and help pupils to acquire facts, skills, or opinions or to
12 develop cognitive processes. Instructional materials may be
13 printed or nonprinted, and may include textbooks,
14 technology-based materials, other educational materials, and
15 tests.

16 (i) “Nonpublic school” means a school that both satisfies the
17 requirements of Section 48222, and is exempt from taxation
18 under Section 214 of the Revenue and Taxation Code.

19 (j) “School official” means any member of any governing
20 board, any city, county, city and county, or district
21 superintendent of schools, and any principal, teacher, or other
22 employee under his or her charge.

23 (k) “State board” means the State Board of Education.

24 (l) “~~Supplementary~~ *Supplemental* instructional materials”
25 means instructional materials designed to serve, but not be
26 limited to, one or more of the following purposes, for a given
27 subject, at a given grade level:

28 (1) To provide more complete coverage of a subject or
29 subjects included in a given course.

30 (2) To provide for meeting the various learning ability levels
31 of pupils in a given age group or grade level.

32 (3) To provide for meeting the diverse educational needs of
33 pupils with a language disability in a given age group or grade
34 level.

35 (4) To provide for meeting the diverse educational needs of
36 pupils reflective of a condition of cultural pluralism.

37 (m) “Technology-based materials” means those basic or
38 supplemental instructional materials that are designed for use by
39 pupils and teachers as learning resources and that require the
40 availability of electronic equipment in order to be used as a

1 learning resource. Technology-based materials include, but are
2 not limited to, software programs, video disks, compact disks,
3 optical disks, video and audio tapes, lesson plans, and ~~data bases~~
4 *databases*. Technology-based materials do not include the
5 equipment required to make use of those materials.

6 (n) “Test” means any device used to measure the knowledge
7 or achievement of students.

8 SEC. 2. Chapter 3.75 (commencing with Section 60475) is
9 added to Part 33 of the Education Code, to read:

10
11 CHAPTER 3.75. THE K-12 SUPPLEMENTAL INSTRUCTIONAL
12 MATERIALS ACCOUNT
13

14 60475. (a) There is hereby established in the State Treasury
15 the K-12 Supplemental Instructional Materials Account. The
16 state board shall administer the account.

17 (b) Commencing with the 2006-07 fiscal year, and each fiscal
18 year thereafter, an amount of moneys shall be transferred in the
19 annual Budget Act from the Proposition 98 Reversion Account to
20 the K-12 Supplemental Instructional Materials Account equaling
21 10 percent of the unappropriated balance in the Proposition 98
22 Reversion Account as of the end of the immediately preceding
23 fiscal year or 10 dollars (\$10) per pupil enrolled in kindergarten
24 and grades 1 to 12, inclusive, adjusted annually for inflation
25 pursuant to subdivision (b) of Section 42238.1, whichever
26 amount is greater, to the extent funds are available. Moneys
27 transferred pursuant to this subdivision shall be used for
28 necessary supplemental instructional materials.

29 (c) The Legislature may transfer to the K-12 Supplemental
30 Instructional Materials Account other funds appropriated in
31 compliance with Proposition 98, except funds specified pursuant
32 to Section 41207. Donations by private entities shall be deposited
33 into the account and, for tax purposes, be treated as otherwise
34 provided by law.

35 60476. (a) All moneys in the K-12 Supplemental
36 Instructional Materials Account are available for reimbursement
37 to schools on a per pupil basis as approved by the state board.

38 (b) (1) It is the intent of the Legislature that each school
39 district exercise due diligence in the administration of funds
40 appropriated for supplemental instructional materials.

1 (2) Funds made available pursuant to this chapter shall
2 supplement, rather than supplant, existing funds available for
3 instructional materials.

4 (3) The state board is authorized to deny future funding
5 pursuant to this chapter to a school district if the state board
6 determines that there is a pattern of failure to exercise due
7 diligence pursuant to paragraph (1) or supplantation contrary to
8 paragraph (2). If the state board finds a pattern of failure to
9 exercise due diligence, the state board shall notify the appropriate
10 county superintendent of schools for the school district.

11 SEC. 3. This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety
13 within the meaning of Article IV of the Constitution and shall go
14 into immediate effect. The facts constituting the necessity are:

15 In order for school districts to have sufficient funds for
16 supplemental materials for the 2006-07 school year at the earliest
17 possible time, so that pupils may receive the best possible
18 education, it is necessary that this act take effect immediately.